

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
June 9, 2014
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Richard Reid, Vice President and Marlin Weisheit, Member.

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. First Deputy Auditor, Allan James was in attendance.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION

STREET CONSTRUCTION PLANS

PP-14-06 – Peachwood of Warrick Place VI by Allan R. Holweger and Brent Holweger. OWNERS: Allan R. Holweger and Century Real Properties LLC, Brent Holweger, Ptr. 4.66 acres located on the E side of SR 261 approximately 0' SE of the intersection formed by SR 261 and Vann Rd. & on the N side of Haley Dr. approximately 461' NE of the intersection formed by Haley Dr. and Peachwood Dr. being a subdivision of Lot 12 in Peachwood of Warrick Place IV recorded in Doc. #2001R-0014982 in the Office of the Warrick County Recorder, Ohio Twp. Requesting no improvements be required to Haley Drive or to existing commercial entrance on Lot 12.

Don Williams: Alright we'll start with Area Planning, Sherri, do you want to go ahead and take off with the Area Planning Business?

Sherri Rector: Yes Sir, thank you. The two (2) items are both Street Construction Plans. The first one is PP-14-06 Peachwood of Warrick Place VI by Allan R. Holweger and Brent Holweger. Owners Allan R. Holweger and Century Real Properties, LLC, Brent Holweger, Partner. It's four point six six (4.66) acres located on the east side of State Road 261, zero (0) feet south east of the intersection formed by State Road 261 and Vann Road and on the north side of Haley Drive approximately four hundred sixty one (461) feet north east of the intersection of Haley Drive and Peachwood Drive being a subdivision of Lot 12 in Peachwood of Warrick Place IV. They are requesting no improvements be required to Haley Drive or to the existing commercial entrance on Lot 12 which has been reviewed by the County Engineer.

Don Williams: Okay, thank you. Is someone here to represent this? Mr. Holweger or Mr. Biggerstaff?

Allan Holweger: I'm Allan Holweger, Owner.

Don Williams: Okay, you got anything you'd like to say, Sir?

Allan Holweger: No, it was all put in...I just put that half (½) acre off for my son three (3)...about four (4) years ago we put the driveway and the street in all too county specs but we want to keep it private. But it is done to county specifications.

Don Williams: Okay, any comments from the Engineer on these Reconstruction Plans?

Bobby Howard: I would recommend approval that no improvements be required to Haley Drive or to existing commercial entrance for Lot 12.

Don Williams: Alright, any questions from the Board? If not I'll entertain a motion.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: I have a motion to approve by Commissioner Reid, seconded by Commissioner Weisheit. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Allan Holweger: Thank you.

Don Williams: Thank you.

PP-14-07 – Pemberly Place PUD by Maken Corporation, Daniel Ubelhor, Pres. and Ubelhor Development, L.P., Daniel Ubelhor, Pres. 7.77 acres located on the E side of Anderson Rd. and N side of Vann Rd. approximately 0' E and 900' N of the intersection formed by Vann Rd. (S 350) & Anderson Rd. (W 600), being Lot 6 & Pt. Lot 5 Warrick Research and Industrial Center # 7 recorded in Doc. # 2007R-000424 in the Office of the Warrick County Recorder and Part Sec. 19-6-8 Ohio Twp.

Don Williams: We have PP-14-07 Pemberly Place PUD.

Sherri Rector: Yes we do, PP-14-07 Pemberly Place PUD by Maken Corporation, Daniel Ubelhor, President and Ubelhor Development, L.P., Daniel Ubelhor, President. It's seven point seven seven (7.77) acres located on the east side of Anderson Road and the north side of Vann Road. Zero (0) feet east and nine hundred (900) feet north of the intersection of Vann Road and Anderson Road, being Lot 6 and part of Lot 5 in Warrick Research and Industrial Center number seven (7).

Don Williams: Okay, Mr. Morley do you have anything you'd like to say, Sir?

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer. It's a simple residential cul-de-sac for a residential developments.

Don Williams: Okay, Mr. Engineer you have any comment?

Bobby Howard: The street plans do meet in compliance with the Subdivision Control Ordinance so I would recommend approval.

Don Williams: Any questions for the Board? I entertain a motion.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second to approve. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Jim Morley, Jr.: Thank you.

Marlin Weisheit: Thanks, Jim.

Sherri Rector: Thank you.

Don Williams: That's all you have?

Sherri Rector: Yes, Sir.

ITEMS FOR DISCUSSION

Debbie Bennett-Stearsman, Economic Development Coalition of SW Indiana ~ Discuss the Blight Elimination Program (BEP)

Don Williams: Okay, Mr. Administrator, it's all yours. Items for Discussion.

Roger Emmons: Thank you, Mr. President. Debbie Bennett-Stearsman is here from the Economic Development Coalition of Southwest Indiana to discuss the Blight Elimination Program.

Debbie Bennett-Stearsman: Good afternoon, Debbie Bennett-Stearsman with the Coalition. I know that the Commissioners have attended a couple of the informational meetings we've been hosting regarding the Blight Elimination Program. I'm going to run through this agenda pretty quickly and inform you of anything new since you've been to those meetings. As you know the State of Indiana received two hundred twenty one point seven million (\$221,700,000.00) in Indiana Hardest Hit Funding during the stimulus to help people avoid foreclosure and not all of these funds have been spent so the State of Indiana, through the Indiana Housing and Community Development Authority amended the Indiana Hardest Hit Fund allocation to include something called the Blight Elimination Program or you'll hear me refer to it as the BEP Program. Seventy five million (\$75,000,000.00) was set aside and approved by the US Treasury in February for all of the Counties in the State of Indiana to apply for funding that would help eliminate any abandoned homes in the counties in the State of Indiana. They divided the money by population and Warrick County is in division four (4) and if you look at some of the attachments that I put with your documents the proposed funding division should be the first one that you have attached and if you'll look at the divisions you go to division four (4) and you'll see that Warrick County is listed in that division together with twelve (12) other counties in that funding division. Then if you look at the back of that form you'll see the funding divisions by population and by funding amount. And division four (4) which Warrick County is in has eight million seven hundred thirty seven thousand five hundred dollars (\$8,737,500.00) to be split among the twelve (12) counties. The county must apply for funding in order to receive their allocation. It's not just automatically given to you. The funding is...if you'll go back to your agenda the funding only goes to eligible cities, towns and counties. It goes in the form of a loan to the county and then Individual Program Partnership Agreements will be entered by the program partners that the counties partner with and they will be the ones that will actually execute the mortgage on the individual properties. And the only condition is that they keep those properties in a good state of repair until the end of 2017. At the end of 2017 the loans are all forgiven. They're forgiven on the basis of thirty three and a third percent (33.3%) per year over a three (3) year period of time and then again as I said at the end of December 31, 2017 all loans are forgiven. There was last Friday a training webinar held, Roger attended, and I don't know who he had with him at that training webinar...

Don Williams: Commissioner Weisheit.

Roger Emmons: Marlin.

Debbie Bennett-Stearsman: I was on there as well and I asked if there was any payback repercussions to the county for default and they stated there was not. The only thing they could possibly do would be to suspend future funding under this program. If you don't comply and compliance would be between the individual property owner and IHODA. And that compliance would be if we tore a house down, you said you were going to clean it up and you didn't keep it

clean and they came down and checked, then they would say that was non-compliant. They also stated that if that program partner then sold to a third party, that the compliance stopped at that point when the third party got involved in it. So if your program partner was going to clean it up and then turn it over to let's say Habitat and Habitat was going to build a house, at that point that programs partners responsibility is gone. It goes on to the next...

Don Williams: And the loan is still forgiven.

Debbie Bennett-Stearsman: Yes, well, it's forgiven at that point, period. We had a workshop also locally on May 2nd with IHCD was actually in Warrick County and gave more particulars of the program. The program application is due on July the 21st, the announcements are August 28th and there will be a compliance training after that to be determined. I've requested an additional Technical Assistance Workshop before the application goes in on July 21st to make sure we're doing the application correctly and that people are doing their properties correctly. The maximum amount of grant per home or loan per home is up to twenty five thousand dollar (\$25,000.00) for a home with a basement, fifteen thousand (\$15,000.00) for a home that doesn't have a basement and you can apply for a waiver from the fifteen thousand (\$15,000.00) if the conditions of the home does not have a basement and it warrants more money for cleanup. The BEP funds can only be used to demolish residences. It can go for duplexes or quads, it can also be for trailers if they're on a site that is attainable by a property owner and is anchored down. You must clean up all of the debris in the demolition, take it to a licensed land fill, it will be through public bidding. Again I say there will be a demand and note and mortgage for each piece of property that is cleaned up. It will be a forgivable loan, there is a ten percent (10%) match to these properties. The match can be in a form of cash or in-kind and that in-kind can include forgivable back taxes or liens on the property for that house. It can include donated time spent on that property mowing or in that general area. Mowing or cleaning up to make that neighborhood look better. The goal of this is to get properties cleaned up and back on the tax rolls or for reuse. The goal is not to put a burden on the property owner that owns it or on the County. I've also included in your packet a list of eligible expenses that you could be reimbursed for and the limitations on the eligible expenses. Last but not least there is a maintenance fee. If you do property and spend up to twenty five thousand dollars (\$25,000.00) they will allow up to two hundred fifty thousand (\$250,000.00) a year for over three (3) years to maintain that property to keep it mowed and to keep it in good condition. I also included in your packet a Frequently Asked Questions and the Site Evaluation Matrix. That Site Evaluation Matrix has to be filled out for each property that you intent to demolish, it has to reach a score of at least eighty two (82) points. We'll help you review these properties if the county has any. I know at this point Boonville has several properties, Elberfeld has two (2) and Newburgh has one (1) property.

Don Williams: And we have a few.

Rick Reid: Yeah.

Debbie Bennett-Stearsman: Okay, the way the program was presented to us at the original technical assistance is they would prefer that each county put a joint application in for all and call a targeted area. The entire county otherwise we'll have to do individual targeted areas which we would help you do if that's what each city or town wants to do. It would be much easier if we could do just one application for Warrick County. I can tell you that Division one (1) has already been submitted. All of the funding that's been requested was approved in Division one (1). There is funding left over from Division one (1). Division one (1) with the larger counties, they had an appropriation of sixteen million one hundred ninety two thousand dollars (\$16,192,000.00). They applied for fifteen million eighty four thousand (\$15,084,000.00) and they received all of that so there is still a pocket of a million one zero eight (\$1,108,000.00) to be carried over to other counties for additional funding. Division two (2) has also been submitted already and there were not very many applications, I thought I had that paper here in front of me somewhere...

Don Williams: Some of the forms that we were looking for are obviously out there somewhere.

Debbie Bennett-Stearsman: Pardon me?

Don Williams: We were looking for some forms?

Roger Emmons: The Agreements.

Don Williams: The Agreements.

Debbie Bennett-Stearsman: The Agreements have not been drawn up yet, I asked that question Friday.

Don Williams: But they must be somewhere since number one (1) is already completed.

Debbie Bennett-Stearsman: Number two (2) has been awarded as well. They didn't use all of the funding but I asked Friday and I looked online today, I don't know Roger if you heard me ask the question, the Program Partnership Agreement and the Participation Agreement that has to be signed by the County, they said its forthcoming. Because I know you want to see those particulars before you agree. I've asked every question I can think of for the County but I can't assure you of what that is going to be, um, so...as soon as I get it I will forward it.

Don Williams: Okay, we appreciate that.

Debbie Bennett-Stearsman: But I came to you today to tell you about the program, I know I've went through everything very quickly, see if you have any questions and also to ask if the county would be interested in acting as the Lead Applicant for all of the Cities and Towns and the County, if you want to do one on your own, and also to let you know in case you have some properties so that you can appoint somebody to get started on evaluating those properties through that matrix, getting pictures, etc.

Roger Emmons: Well, they did that at a previous meeting. They made a motion that they would be the Applicant.

Don Williams: I was thinking that we did too.

Rick Reid: Yeah, we have.

Debbie Bennett-Stearsman: Well, I don't have any houses from the county at this point.

Don Williams: You might check and make sure but I think that's the one we've already done.

Roger Emmons: But your email today said the City of Boonville was now interested.

Debbie Bennett-Stearsman: They are interested in acting as the Applicant because at the last meeting the County didn't have any homes that we knew of, so they offered to do it but...

Don Williams: From the funding perspective its better if the region is the County.

Debbie Bennett-Stearsman: Yeah, I can target the target area as the whole county. But if you do have homes that you're interested in I think that Boonville Now talked about being your partner so they would be your Program Partner.

Roger Emmons: So they would do...if we put together a list of houses out in the county, which there are two (2) that they're doing, they've already done the matrix for those two...

Debbie Bennett-Stearsman: Correct.

Roger Emmons: Then the other, however many we do, Boonville Now will also do the paperwork for those?

Debbie Bennett-Stearsman: Not to my knowledge, I mean, it would be up to the county unless you asked them and see if they're interested.

Don Williams: Well, either the County or the partner has got to possess the land.

Debbie Bennett-Stearsman: Correct. The partner you select, and you can have more than one (1) partner, you can have multiple partners.

Don Williams: Okay, if we partner with an actual home owner, then the home owner already has the land so that step is already taken care of?

Debbie Bennett-Stearsman: They would have to enter into that Program Partnership Agreement and then agree to have the lien on the property, the forgivable lien, but they could retain ownership and again they caution that you watch very carefully who you select as your program partner but they did state that the current owner could be the program partner.

Don Williams: Okay, good.

Debbie Bennett-Stearsman: Because you have to make sure they keep it cleaned up after you tear it down.

Don Williams: Okay.

Roger Emmons: But it would be a cheap way for that homeowner to get that property demolished and then have a lot to do whatever after its forgiven.

Debbie Bennett-Stearsman: Yeah, there is one (1) more thing that we did not talk about at some of our other workshops. If you partner with Boonville Now and they take ownership of it or whoever you partner with, and that lien is placed on that property, if they sell it during the time, that three (3) year period, and it doesn't exceed the amount of the lien that's sitting on the property for tearing it down, they can keep that money. That money is recaptured and they get to keep it. So, I just wanted to make sure you understood that.

Don Williams: Okay, thank you.

Debbie Bennett-Stearsman: It doesn't have to go back to the State.

Don Williams: Okay, I'm reasonably sure that we did pass a motion that we...

Debbie Bennett Stearsman: Yeah, you did, I just hadn't...

Roger Emmons: I sent the email to Debbie the next day.

Debbie Bennett-Stearsman: I just want to make sure that if the county has any properties that's going up for tax sale or anything else and they're bad and you've not been able to sell them and you don't know what to do with them you may go back to the banks or to the property owners and say we have a way we can get that house down and get them on this project list.

Don Williams: There's some out there that probably just don't have the funds to do it, this would give them the opportunity.

Debbie Bennett-Stearsman: Right.

Rick Reid: Tremendous help.

Roger Emmons: Some that are abandoned, as Don told me earlier, they're still good structurally, they're not really Blighted you know, they're just abandoned at this point...

Don Williams: They're good structurally, they're not good to be tore down, I mean the one you're talking about over in Pinewood...

Roger Emmons: Yeah, Pine Drive.

Don Williams: Our inspector has inspected that home and it's structurally sound, it just needs the grass mowed so...

Debbie Bennett-Stearsman: Well, you can partner with your...if you have a redevelopment authority or another authority that can independently act to get some of the properties down and then if you sell that property you can recapture that funding back to that, that can be your program partners is what I'm trying to tell you. So you might be able to actually generate some money from it.

Don Williams: Do we need to do any action today? I don't know that we do.

Debbie Bennett-Stearsman: No, I just want to make sure...I'm trying to attend each one to make sure everybody understands.

Don Williams: We can take a consensus but I'm more than willing to...for the County to be the...

Debbie Bennett-Stearsman: It would make it easier.

Rick Reid: Yeah, I'd be more than happy for that.

Don Williams: Commissioner Weisheit?

Marlin Weisheit: Yes, I am too, we just need act on it, we don't have much time here because it's July...July will be here before you know it, we need to get them on the list and get somebody inspecting them.

Don Williams: Start getting them in the Matrix.

Rick Reid: Well, I think Dennis is starting to pull those together.

Debbie Bennett-Stearsman: Cause you'll set aside funding for that house. If it doesn't follow through you just don't draw that money down.

Don Williams: Gotcha, okay.

Marlin Weisheit: Thanks for coming.

Don Williams: And you are going to do a TA for us, right?

Debbie Bennett-Stearsman: Yeah.

Don Williams: Okay, good.

Roger Emmons: Thanks, Debbie.

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Extension of Agreement for Road Usage ~ 1,600 Feet of Tecumseh Road

Don Williams: We have a request from Peabody, not with Peabody, United Minerals.

Roger Emmons: No, it is with Peabody Energy.

Don Williams: Okay, there's nobody here to represent this?

Roger Emmons: Well, Tiffany Eckert is the Senior Land Agent for Peabody Energy. She took over from Ken Hagen and when I sent the email out she wondered if she should be present. She wasn't present at the last time I don't think. It's just a approval by motion...

Don Williams: I think she was.

Roger Emmons: Of a twelve (12) month extension...she might have been, Don, but as I stated here in my informational things I would suggest if you're going to approve it do it by motion contingent upon proof of renewal of their twenty one thousand two hundred dollar (\$21,200.00) bond on the road section plus submission of their current Certificate of Liability Insurance which would name the Warrick County Commissioners as additional insured or certificate holder. And they did that last time very quickly.

Don Williams: The only reason I always liked them here is because I like to talk to them about keeping the road clean. Are there any questions from the Board on this issue? They're talking about the sixteen hundred (1,600) feet from 261 back east on Tecumseh Road.

Roger Emmons: 61.

Don Williams: Yeah, 61, what did I say? 261? 61 I'm sorry.

Marlin Weisheit: I don't have a problem with it. They have done a better job keeping the road clean finally, we finally got their attention on that.

Don Williams: Angie hasn't said anything in months.

Angie Leslie: It's been a long time.

Roger Emmons: I'll add that to the letter.

Marlin Weisheit: They know it's important to all of us.

Don Williams: Our expectation on that...the mud not be dragged out on the main roads, State or County. Alright, I entertain a motion to approve Peabody's request contingent upon the renewal of their twenty one thousand dollar (\$21,000.00) bond on that section plus their current Col (Certificate of Insurance) naming the County as an Additional Insured.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Okay, I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Google Apps Agreement

Roger Emmons: I do have one (1) other item...and it is the Google Apps Agreement. Our email is done through Google Apps. I did talk to Doug Duncan, our IT person before the meeting and he did state that we definitely wanted to keep this going. I have the agreement, we just got it earlier this afternoon and it's a monthly invoicing...it's as far as I know it's just like the last one that was approved.

Don Williams: I think the finance terms are the same.

Roger Emmons: Yeah, back in 2012, and I have the Agreement here for the Boards' approval and President Williams's signature if you're okay with it.

Don Williams: What's the will of the Board as far as approving the continuation?

Marlin Weisheit: I'm fine with it.

Richard Reid: I'm fine with it.

Don Williams: I need a motion.

Todd Glass: Is that contract lasting what term?

Don Williams: It's a year's contract if I remember right and it's identical to the last one we approved.

Roger Emmons: And you're committing to an annual plan, yearly payment, commit to a twelve (12) month service plan, you will be billed at the end of the first month for the full annual price even though earlier you had said monthly invoicing, that's just the cover of what they sent.

Don Williams: If you want to look at it we can approve it contingent upon your review if you would like but...

Roger Emmons: I've got the previous one and the current one if you want to...just got them today so...

Don Williams: Yeah, we did just get that.

Roger Emmons: The offer expires on July the 10th so if you want to table it until your next meeting in June we can do that.

Rick Reid: We can make a motion and just say 'subject to Todd's'...

Roger Emmons: Yeah, that would be fine.

Don Williams: Why don't we do that? We'll approve it subject to your review and you can let us know if it met or not next meeting.

Todd Glass: Yes, that would fine, Mr. President.

Don Williams: Okay, thank you.

Roger Emmons: Scan and email both to you then Todd? Yes please.

Don Williams: Okay, I entertain a motion on the Google Apps.

Marlin Weisheit: I'll make the motion to go ahead and approve it as long as our attorney reviews it, it meets his needs.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries. Thank you.

Wind Damage from 05-09-2014 Storm

Roger Emmons: That is...the only other item is informational about the wind damage from the May 9th storm in case you have any questions on that.

Don Williams: Anybody have any questions on that one?

Rick Reid: No.

Don Williams: Okay, is that it, Roger?

Roger Emmons: Yes, Mr. President, thank you.

Don Williams: Thank you.

COUNTY AUDITOR

Don Williams: County Auditor, you have anything?

Allan James: No.

COUNTY PURCHASING

Judicial Center Awning Quotes

Don Williams: Okay, County Purchasing. Mr. Grassman, you have one issue.

Joe Grassman: Joe Grassman, Purchasing Manager. I have three (3) bids to recover the entryway awnings at the west side of the Judicial Center. I've got those right here in front of me, I'm going to...

Roger Emmons: This is also an insurance? This will be covered by insurance?

Joe Grassman: Right, I assume I'll turn this over to Nate Leverenz?

Roger Emmons: Yes.

Joe Grassman: Three (3) bids in no particular order. I did go through the bids and they are all compliant with the requirements of the invitation to quote so you don't have to worry about that. The first quote is from Siemers Glass Company in Evansville, four thousand four hundred twenty five dollars (\$4,425.00). Second bid is from Vessel Trim Company...

Don Williams: What was that name?

Joe Grassman: It's Vessel, V-E-S-S-E-L.

Don Williams: Okay, thank you.

Joe Grassman: And I think they're also in Evansville.

Rick Reid: Yeah, they are.

Joe Grassman: Their bid was eighteen hundred fifty two dollars (\$1,852.00). And the third bid is from Sutton Canvas Shop, Lynnville, it has a Boonville address.

Marlin Weisheit: Actually he's on 261.

Joe Grassman: His bid was eighteen hundred dollars (\$1,800.00) even.

Roger Emmons: He was the original company that installed those.

Joe Grassman: So I think pursuant to code the bid should be awarded...

Don Williams: You've already looked at them and they're all accurate?

Joe Grassman: They're all responsive bidders and the lowest bidder...

Don Williams: So we can go ahead and approve that. Any questions from the Board? If not I'll entertain a motion to approve selection.

Rick Reid: I'll make a motion to approve Sutton out of Lynnville for eighteen hundred (\$1,800.00).

Marlin Weisheit: They're out of Boonville.

Rick Reid: Since they're the lowest bid.

Marlin Weisheit: I'll second that on Sutton.

Don Williams: Have a motion and a second to award the Judicial Center awning quotes to Sutton Canvas. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: For eighteen hundred dollars (\$1,800.00), thank you.

Joe Grassman: That's all I have, thank you.

Marlin Weisheit: Thanks, Joe.

Roger Emmons: Thank you, Joe.

COUNTY ATTORNEY

Ordinance 2014-16 ~ Regulating Peddlers and Solicitors, 2nd & 3rd Readings

Don Williams: County Attorney, you have just the two (2) things for us, Sir?

Todd Glass: Two and a half (2½) I think, we'll see, but the first item is the second and third readings for proposed Ordinance 2014-16. If you'll remember, Mr. President, this is an ordinance regulating in essence door-to-door salesmen in the County in response to some concerns and complaints brought to your attention by the Sheriff's Department. And based on similar ordinances from various localities like Evansville, Boonville and Ft. Wayne the proposed Ordinance is before you. The one (1) correction was made upon the first reading indicating that the license fee revenues will actually be deposited in the county's General Fund and otherwise we would still have to prepare an application and assist Mr. Emmons with some paperwork in administrative matters following adoption by the ordinance but otherwise it is set to go.

Don Williams: Any questions from the Board on Ordinance 2014-16?

Rick Reid: None.

Marlin Weisheit: Looks good to me.

Don Williams: Okay, I'll entertain a motion.

Rick Reid: I'll make a motion to approve the Ordinance 2014-16 on the Peddler's and Solicitors Bill.

Marlin Weisheit: I'll second it.

Don Williams: Okay, we have a motion and a second to approve Ordinance 2014-16. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero

ORDINANCE 2014-16 AN ORDINANCE RESTRICTING PEDDLING AND SOLICITATION IN WARRICK COUNTY

WHEREAS, Section 110.02 of the Code of Ordinances of Warrick County, Indiana provides the requirements for the solicitation in or upon a street or intersection in Warrick County, but does not provide any requirement for proof of insurance; and

WHEREAS, there are currently no regulations or licensure requirements in the Code of Ordinances for door-to-door peddling or solicitation of Warrick County residents; and

WHEREAS, the Board of Commissioners of Warrick County believes there to be just and reasonable public purposes in regulating and restricting door-to-door peddling and solicitation in Warrick County to better protect its citizens from unwanted solicitations, which at times lead to criminal activity or property damage; and

WHEREAS, the Board of Commissioners of Warrick County also believe it is in the best interests of Warrick County and its citizens and those that travel upon the streets and highways of Warrick County for solicitations in or upon a street or intersection to provide proof upon application of reasonable and minimum insurance coverage.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA THAT:

SECTION 110.02 of the Code of Ordinances of Warrick County, Indiana, is hereby amended to provide for a new Section 110.02(F) as follows:

(F) An applicant must provide a certificate of insurance proving comprehensive general liability insurance coverage for the activities applied for in the sum of no less than five hundred thousand dollars (\$500,000.00).

The Code of Ordinances of Warrick County, Indiana, is hereby amended to provide for a new SECTION 110.03 entitled "Peddling and Solicitation" as follows:

Section 110.03 Peddling and Solicitation

(A) DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "Peddler" is any person or persons, firm, limited liability company, corporation or organization, either principal or agent, employer or employee who engages in the business of traveling from place to place, house to house, or in or along the streets within Warrick County, carrying, conveying, or transporting goods, wares, merchandise, or

ORDINANCE 2014-16 RE PEDDLING

personal property of any nature, or for services to be performed offering and exposing them for sale, or making sales and delivering articles to purchasers.

2. "Solicitor" is any person or persons, firm, limited liability company, corporation or organization, either principal or agent, employer or employee who engages in the business of traveling from place to place, house to house, or in or along the streets within Warrick County, taking or attempting to take orders for the sale of goods, wares, merchants, or personal property of any nature, for future delivery, or for services to be performed, whether or not such individual carries or exposes for sale a sample of the subject of the sale, or whether or not the vendor is collecting advance payment on the sales.
3. "Person" shall mean any human being, partnership, limited liability company, organization, association or corporation.
4. "Administrator" shall mean Administrator of the Warrick County Board of Commissioners.

(B) PEDDLERS AND SOLICITORS: LICENSE REQUIRED

1. It is unlawful for any person to engage in business as a Peddler or Solicitor within Warrick County, without having an unrevoked license issued by Warrick County to do so, valid and in effect at the time.
2. No license shall be transferable or shall authorize any person other than the one named therein to engage in the business of Peddler or Solicitor.
3. Registration and licensing shall not be construed to be a permit to enter neighborhoods, areas, properties or premises that have conspicuously posted non-solicitation notices.
4. The Peddler or Solicitor shall have his/her stamped application in his/her possession at all times while peddling and/or soliciting and shall exhibit it upon request by any law enforcement officer or any purchaser or prospective purchaser.

(C) EXEMPTIONS

This ordinance shall not apply to:

1. Any person selling goods exclusively to retail or wholesale stores for resale.
2. Any person, or an employee or agent thereof, who has, and has had for the preceding twelve (12) months a regular place of business within Warrick County.
3. Any person engaged in peddling or solicitation activities on behalf of a religious group, school, political group, or other not-for-profit entity registered to do business in Indiana.
4. The delivery of mail order, online or catalog sales to residents.

ORDINANCE 2014-16 RE PEDDLING

5. Any farmer, gardener, or fruit or vegetable grower engaged in selling the produce of his own farm, orchard, or vineyard, located in Warrick County, or such a person who sells or takes orders for goods to be sold and delivered to merchants, traders, or dealers who purchase the goods for the purpose of resale.
6. News carriers.

(D) APPLICATION

An applicant for permission to peddle goods or solicit orders hereunder shall complete an application provided by the Administrator. The application shall contain the following information:

1. The name, home address, telephone number, and any local address of the applicant.
2. A physical description of the applicant, and every agent of the applicant that will be peddling or soliciting, setting forth the age, height, weight, and color of hair and eyes. (Example: Driver's License and/or other picture ID)
3. The name and address of the person, firm, or corporation for whom or through whom orders are to be solicited or cleared, including both the main office's address and the address of the office or branch out of which the applicant works.
4. The nature of the goods, wares, merchandise, or services to be sold or for which orders are to be solicited.
5. Written permission from the property owner of the location where peddler will be set up (if applicable).
6. A statement as to the period during which the applicant intends to solicit orders, which shall be no longer than until December 31 of the calendar year during which the application is made.
7. A list of all felony and/or misdemeanor convictions of the applicant and every agent of the applicant that will be peddling or soliciting, including the date of conviction and the city and state of all such convictions, if any. If none, it is to be so stated on the application.
8. The name, address, and telephone number of the contact person who shall be available for a period of time of not less than sixty (60) days following the last date the applicant sells or offers to sell, or distributes goods, wares, merchandise, food, services, or subscriptions in Warrick County, who will be responsible for consumer complaints.
9. The applicant must provide the Administrator with a copy of a valid merchant certificate issued by the Indiana Department of Revenue to applicant.

ORDINANCE 2014-16 RE PEDDLING

10. If a vehicle is to be used, a description of the vehicle, together with the license plate number and proof of valid insurance meeting the minimum requirements set by Indiana law, and a copy of a current and valid driver's license.
11. A statement indicating the applicant has provided with the application a certificate of insurance proving comprehensive general liability coverage for the activities to be performed in the sum of no less than five hundred thousand dollars (\$500,000.00).
12. The applicant, at the time of executing the application, shall also submit identification satisfactory to the Administrator, which shall contain the signature and a photograph of the applicant and any agent of the applicant that will be peddling or soliciting two inches by two inches taken within sixty days prior to the application. The photograph must show the head and shoulders of the applicant and any agent of the applicant that will be peddling or soliciting.
13. If the applicant will be using, handling, selling, or distributing food, a copy of the Warrick County Health Department permit must be attached to the application.
14. Any other such information the Administrator or his designee deems necessary.
15. Verification that all of the information provided is truthful.

(E) FEES

- A. The fee for a license which shall accompany any application shall be as follows:
 1. Thirty dollars (\$30.00) for a period not to exceed one (1) week-end from Friday through Sunday; or
 2. Fifty dollar (\$50.00) for a period not to exceed one (1) week from Monday through Sunday.
 3. One hundred dollars (\$100.00) for a period not to exceed one (1) month; or
 4. One thousand dollars (\$1,000.00) for a period not to exceed one (1) year.
- B. All licenses shall terminate on December 31, one (1) hour before sunset in the year of issue.
- C. All fees collected under this ordinance shall be deposited in the County's General Fund.

(F) APPROVAL

Upon compliance by the applicant with the provisions of this section, the Administrator shall refer the application to the Warrick County Board of Commissioners. The Warrick County Board of Commissioners shall either approve or deny the application for a license at its next regularly scheduled meeting. Upon approval by the Warrick County Board of

ORDINANCE 2014-16 RE PEDDLING

Commissioners, the Administrator shall stamp approval on the application submitted by the applicant and provide the approved license to the applicant.

(G) TIME OF DAY PERMITTED

No person may engage in the business of a Peddler or Solicitor in Warrick County before 9:00 a.m. and must cease all activities one (1) hour prior to sunset each day the license is effective.

(H) REVOCATION OF LICENSE

A license issued pursuant to this ordinance may be revoked by the Administrator after a hearing before the Warrick County Board of Commissioners, for any of the following causes:

1. Any fraud, misrepresentation, or false statements contained in the application for the license.
2. Any fraud, misrepresentation, or false statement made in connection with the peddling or solicitation of sales of goods, wares, or merchandise.
3. Any other violation of this ordinance.
4. Conducting the business licensed under this Chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
5. The conviction of the license holder of any felony or of any misdemeanor involving a threat to the safety or general welfare of the public.

A license shall be immediately suspended upon reasonable suspicion by the Administrator of any of the above causes while the potential violation is investigated or pending the arrest or filing of charges against the license holder, or any agent thereof, alleging the commission of any felony or a misdemeanor involving a threat to the safety or general welfare of the public. A license holder is not entitled to a refund for the time the license is suspended or revoked.

(I) RIGHT TO APPEAL FOLLOWING DENIAL OR REVOCATION

Any license having been denied or revoked under this ordinance may be appealed to the Warrick County Board of Commissioners. Such appeal shall be taken by filing with the Administrator a written statement of the grounds for appeal within seven (7) days after notice of the denial or revocation. The Warrick County Board of Commissioners, whose decision shall be at its sole and absolute discretion, shall grant or deny the appeal at its next regularly scheduled meeting

(J) PENALTY

- A. Any person violating any of the provisions of this ordinance shall be subject to an ordinance violation fee as follows:


ORDINANCE 2014-16 RE PEDDLING

1. \$250.00 for the first offense;
 2. \$500.00 for the second and each subsequent offense.
- B. Each day's continued violation shall constitute a separate offense.

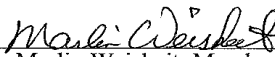
Passed and adopted by the Warrick County Board of Commissioners, upon third reading herein, this 9TH day of JUNE, 2014.

WARRICK COUNTY
BOARD OF COMMISSIONERS

By:


Don Williams, President

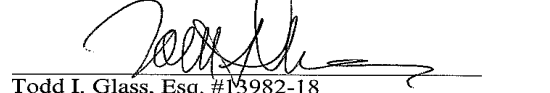

Richard A. Reid, Vice-President


Marlin Weisheit, Member

Attest:


Dixie Dugan, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


Todd I. Glass, Esq. #13982-18
FINE & HATFIELD, A Professional Corporation
520 N.W. Second Street, P.O. Box 779
Evansville, Indiana 47705-0779
Telephone: (812) 425-3592
Warrick County Attorney

Tax Sale Support Services Addendum with SRI, Inc.

Todd Glass: Thank you, Mr. President. Then secondly we have...for the Treasurer, for the Tax Sale Support Services Addendum from SRI, this supplements the amended agreement continues their ongoing services actually for reduction of cost I believe.

Pat Brooks: Pat Brooks, County Treasurer. The only thing the addendum does, everything remains in place, we are going to have a tax sale, it does reduce the fee from seventy five (\$75.00) to seventy dollars (\$70.00) as per their agreement prior to the law suit they were involved in. So they're reducing the fees so everything else will remain the same, we'll have the sale August the 27th if all goes well.

Todd Glass: Yes, and I did correspond back and forth with Pat and the representative from SRI, item four (4) of that contract, Mr. President, on the third page are the provisions they added to it at my request for compliance with E-Verify and other statutory requirements, so it appears to be in proper order and I would recommend approval.

Roger Emmons: Pat, when is the effective date of the addendum, do we know that?

Pat Brooks: I just signed it so we can make it effective anytime on the addendum, the Tax Support Service Agreement?

Roger Emmons: Yes.

Pat Brooks: Yes, I just signed it today so I wanted to bring it over and I did not make copies but I thought I'd signed it and I'd pass it around, you made copies too?

Roger Emmons: Todd brought me an original as well.

Pat Brooks: Oh, I just have copies so I'd be glad to sign...

Roger Emmons: Okay, that would be great.

Don Williams: That is for what? The whole Board, the President...?

Rick Reid: Yes, there's a signature line.

Roger Emmons: Yeah, the Board of Commissioners, all three (3) of you.

Pat Brooks: And I now I have a copy of the original document which I will keep in file too.

Don Williams: Okay, thank you.

Roger Emmons: The one I have is not signed by Mr. Hughes of SRI, do we send the original up to him for his signature?

Pat Brooks: Um-hm, and then we should get it back, yes.

Roger Emmons: Okay, thank you.

Don Williams: Do we need to send two (2) originals up then?

Roger Emmons: We could do that.

Pat Brooks: We can make copies so that they keep one (1) and we have one (1), I think that would be good. And then I want a copy in my file.

Don Williams: Or they can keep a copy and mail us one (1).

Roger Emmons: If we keep the original and get a copy that'll be fine. I'm sure Mr. Hughes will be okay with that.

Don Williams: Okay, what's the will of the Board on the addendum to SRI?

Rick Reid: I'd be in favor of approving that so I'll make a motion.

Marlin Weisheit: I'll second the motion.

Don Williams: Motion and a second to approve. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Pat Brooks: We will have a tax sale, thank you.

Don Williams: Okay, good.

Marlin Weisheit: Thanks, Pat.

Don Williams: Sell them all.

Todd Glass: Also, Mr. President, if the Commissioners wish to they can take up the approval of the lease with the Solid Waste District that I believe you've consulted with outside counsel. That's previously been approved by the Solid Waste District and is just waiting on approval by the County.

Don Williams: Right, do you have the original to sign or...?

Todd Glass: Yes, Roger does actually.

Roger Emmons: I have it.

Don Williams: Roger has that. Okay, and you all have had a chance to read Mr. Emmons report and...

Todd Glass: I would mention, Mr. President, if I could, Mr. Emmons did a fine job in highlighting the particular matters that needed to be addressed and recognized by the Commissioners.

Don Williams: Yeah, and gave us basically a green light for that lease so...

Roger Emmons: Okay, for this incorporates those? Cause Gene called today and Don talked to him about it.

Don Williams: Yeah, I did. Basically his letter was just strictly comments, no changes, just enlightening us on what was in the contract.

Roger Emmons: Okay.

Don Williams: I'll give you a copy of that if you haven't got it yet. You may not cause...

Roger Emmons: No, he just...

Don Williams: They opened it about thirty (30) minutes before the meeting and gave it to the other two (2) Commissioners.

Todd Glass: And he is correct, the following entering into the lease, UCC Financing Statement and a Memorandum of Lease will also be done to finalize the process.

Don Williams: But that will be done by the Solid Waste District? So, what's the will of the Board on the lease between Warrick County and the Solid Waste District? It's a forty (40) year lease.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second to approve the lease between Warrick County and Solid Waste District. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0). Thank you.

Todd Glass: And finally, Mr. President, I can report that at the next meeting on June 23rd I believe I'll have two (2) of the Commissioners a draft of a proposed ordinance for recording fees with the County and upon confirmation with a Mr. Neff and his clients a resolution to assist with his clients issues on the Resolution 2000-03 in Hazardous Waste. Thank you.

Don Williams: Anything else, Counselor?

Todd Glass: No, thank you.

COUNTY ENGINEER

Don Williams: Anything from Engineering?

Bobby Howard: I have nothing on Engineering.

COUNTY HIGHWAY

Don Williams: How about Highway?

Bobby Howard: Highway I just want to report that the Sign Shop, the contractor is working on that starting today and they are making good progress.

Don Williams: Any idea before our guys are back in there?

Bobby Howard: No, not yet, um, they still have all of the structural components to do, right now they're just going through and getting all of the components that need to be cleaned up out of there and stored.

Don Williams: Anything else?

Bobby Howard: No, that's all I have.

COUNTY SHERIFF

Don Williams: Anything from the Sheriff's Department?

Mike Wilder: No.

Don Williams: Thank you, Sir.

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Commissioner Reid, do you have anything?

Commissioner Reid: I have nothing.

Commissioner Williams: Commissioner Weisheit?

Commissioner Weisheit: No, Sir, I don't.

Commissioner Williams: I entertain a motion.

Commissioner Reid: Motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Williams: We are adjourned. Thank you.

DON WILLIAMS, PRESIDENT

RICHARD A. REID, VICE PRESIDENT

MARLIN WEISHEIT, MEMBER

ATTEST:

L.B. DUGAN, AUDITOR
WARRICK COUNTY, INDIANA